### IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

International Application No. : PCT/EP2004/005546

International Filing Date : 24 May 2004 (24.05.2004)

Priority Date(s) Claimed : 16 June 2003 (16.06.2003)

Applicant(s) (DO/EO/US) : Timo HEINRICH, et al.

Title: INDOLE DERIVATIVES AS SEROTONIN REUPTAKE INHIBITORS

#### INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

#### Timing and Fees

$\boxtimes$	Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this informatio disclosure statement is filed:					
		within three months of the filing date of a national application other than a CPA under § 1.53(d);				
•	$\boxtimes$	within three months of the actual filing date of the national phase of a PCT application; OR				
		before the mailing of a first substantive office action (including after filing of an RCE).				
		37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods ied in 37 C.F.R. § 1.97(b), but before the mailing date of:				
		a final rejection under 37 C.F.R. 1.113; termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR a notice of allowance under 37 C.F.R. § 1.311; and				

1

DOCKET NO.: MERCK-3100

		is acco	ompanied by:
			the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
			a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).
			R. § 1.97(d), this information disclosure statement is filed after the mailing lowing actions which have not been withdrawn:
		a final	action under 37 C.F.R. § 1.113;
		termin	ation of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2);
		OR a r	notice of allowance under 37 C.F.R. § 1.311;
	AND i	is filed o	on or before payment of the issue fee; AND is accompanied by:
			tement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of 00 under 37 C.F.R. § 1.17(p).
Staten	nents Ui	nder 37	C.F.R. 1.97(e)
			Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
			No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.
Cited	<u>Materia</u>	<u>ls</u>	
		ancest	or application Serial No, on Form 892 by the Examiner and/or Form by the applicant; see 37 C.F.R. § 1.98(d).
		-	s of materials listed but not attached were cited in an international search dated <u>August 19, 2004</u> .
		Not re	equired by 37 CFR § 1.98.
		Copie	s of the materials listed are attached (except for the foregoing).

Non-E	English l	Language References
		An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).
	$\boxtimes$	A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:
		<ul> <li>X = document of particular relevance when it is taken alone</li> <li>Y = document of particular relevance when it is combined with another such document</li> </ul>
		<ul> <li>A = document defining the general state of the art</li> <li>O = non-written disclosure</li> <li>P = intercalated document</li> </ul>
		T = document cited to understand the theory or principle underlying the invention
		E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date
		D = cited in the application
		L = cited for another reason & = publication of member of same patent family
	$\boxtimes$	Translation of other relevant information on foreign search report
		In the search report, "Seite" means page, "Seiten" means pages, "Verbindungen der Formel" means Figure of formula, "Beispele" means examples, and "das ganze Dokument" means the entire document, "Spalte" means column, "Zeile" means line, "Abbildungen" means claims, "Anspruch" means example, "Zusammenfassung" means summary, and "Tabelle" means table, and "Tabellen" means tables "in der Anmeldung erwaehnt" means cited in the application, "Schema" means scheme, "und" means and, "Absatz" means break, "Abildung" means figure.
<u>Other</u>	Informa	<u>ation</u>
Payme	ent of F	ees Due (If Any):
	A che	ck for \$ covering the fee identified above is attached.
	Please	charge to Deposit Account No. 13-3402 \$ for the fee identified above.

The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,

Anthony J Zelano, Reg. No. 27,969 Attorney Agent for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P.C. Arlington Courthouse Plaza 1 2200 Clarendon Blvd. Suite 1400 Arlington, Virginia 22201 Telephone: (703) 243-6333

Facsimile: (703) 243-6410

Attorney Docket No.: MERCK-3100

Date: December 15, 2005

AJZ:ssr

## 10/560737

# IAPO Rec'd PCT/PTO 15 DEC 2003

Please type a plus sign (+) inside this box +

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute	for form 1449A/PTO			Complete if Known		
				Application Number	USNP of PCT/EP2004/005546	
INFO	RMATION	DIS	CLOSURE	Filing Date	24 May 2004 (24.05.2004)	
STAT	EMENT BY	/ AF	PPLICANT	First Named Inventor	Timo HEINRICH, et al.	
				Group Art Unit	unknown	
	(use as many she	ets as	necessary)	Examiner Name	unknown	
Sheet	Sheet 1 of 2			Attorney Docket Number	MERCK-3100	

	U.S. PATENT DOCUMENTS								
Examiner Initials *	Cite No.¹	U.S. Patent Docum	nent Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document  MM-DD-YYYY				
	001	5,532,241	Α	BOTTCHER, ET AL.	07-02-1996				
	002	6,476,035	B1	MOLTZEN, ET AL.	11-05-2002				
	003	5,002,948	Α	PERREGAARD, ET AL.	03-26-1991				
				141.W					
		-							

FOREIGN PATENT DOCUMENTS									
Examiner				Foreign Patent Docum	ent Kind Code <sup>5</sup>	Name of Patentee or Applicant of	Date of Publication of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant	
Initials*	Cite No.1	Office <sup>3</sup>	Number⁴	(if known)	Cited Document	MM-DD-YYYY	Figures Appear	T <sup>6</sup>	
	004	WO	2004/054972	Α	BOETTCHER, ET AL.	07-01-2004			
•	005	EP	0 648 767	Α	MERCK PATENT GMBH	04-19-1995		001	
	006	wo	99/05140	Α	MIKKELSEN, ET AL.	02-04-1999		002	
	007	wo	02/083666	Α	BOETTCHER, ET AL.	10-24-2002			
	008	EP	0 376 607	Α	LUNDBECK & CO AS H	07-04-1990		003	

Examiner	Date
Signature	Considered

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached. Number refers to English language corresponding family member.

Please type a plus sign (+) inside this box	+
Please type a plus sign (+) inside this box	т.

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO Complete if Known Application Number USNP of PCT/EP2004/005546 INFORMATION DISCLOSURE Filing Date 24 May 2004 (24.05.2004) STATEMENT BY APPLICANT Timo HEINRICH, et al. First Named Inventor Group Art Unit unknown (use as many sheets as necessary) **Examiner Name** unknown Attorney Docket Number Sheet 2 of MERCK-3100

I San		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
		HEWITT, NICOLA J. ET AL: "STUDIES COMPARING IN VIVO: IN VITRO METABOLISM OF THREE PHARMACEUTICAL COMPOUNDS IN RATS, DOGS, MONKEYS, AND HUMANS BY! USING CRYOPRESERVED HEPATOCYTES, MICROSOMES, AND COLLAGEN-GELIMMOBILIZED HEPATOCYTE CULTURES" DRUG METABOLISM AND DISPOSITION, 29(7), 1042-1050 CODEN: DMDSAI; ISSN: 0090-9556	
	<u> </u>		
,			
<del></del>			

Examiner	Date	
Signature	Considered	

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.